

REMARKS

In this response, Applicants amend claims 1, 2, and 8, cancel claims 5, 7, 10, 12, 13, and 35-53 to delete reference to non-elected subject matter. The deletion and cancellation of this subject matter is without prejudice to Applicants' ability to file and obtain patent protection for this subject matter in applications claiming priority to the present application under 35 U.S.C. §120. In this response, Applicants add new claim 54-56. Accordingly, claims 1-4, 6, 8-9, 11, 14-34, and 54-56 are pending and under consideration. Applicants respectfully submit that these amendments to the claims are all supported by the originally filed application. Support for new claims 54-56 is found in originally filed claim 33 as compounds (3), (4), and (5).

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-9, 11-15, and 31-44 in part are rejected under 35 U.S.C. § 102(b) as being anticipated by Funahashi et al., WO 2002032872 ("Funahashi"). The Examiner asserts that "Applicant[s] cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55." Applicants respectfully traverse. Applicants respectfully point out to the Examiner that the present application claims priority to Japanese patent application P2002-253123, filed August 30, 2002, and also to United States Provisional Application 60/464,690, filed April 22, 2003. Applicants respectfully point out to the Examiner that the Funahashi application published on April 25, 2002. Applicants respectfully submit that the Funahashi publication cannot be a proper 102(b) reference because that publication date is not "more than one year prior to the date of the application for patent in the United States" as required under 35 U.S.C. § 102(b). Specifically, the date of the Funahashi publication is within 1 year of the filing of the United States Provisional Application 60/464,690 to which the present application claims priority. Applicants submit herewith English translations of both priority applications (JP 2002-253123 and US 60/464,690). Accordingly, Applicants respectfully request that this rejection be withdrawn.

No new matter has been added.

Applicants invite the Examiner to call their agent, Andrea L. C. Robidoux, at (617) 248-5124 with any questions pertaining to the above-identified application in order to expedite prosecution of this case.

Respectfully submitted,



Andrea L. C. Robidoux, Reg. No. 47,902
Agent for Applicants

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CHOATE, HALL & STEWART LLP
PATENT GROUP
Two International Place
Boston, MA 02110
Tel: (617) 248-5124
Fax: (617) 248-4000
arobidoux@choate.com